

Application No.: 09/505,915
Amendment dated: August 25, 2003
Reply to Office Action of: February 26, 2003

REMARKS

This amendment is responsive to the Office Action dated February 26, 2003. The Examiner rejected the pending claims under 35 U.S.C. Section 112 for lack of support and 35 U.S.C. Section 103(a) for being obvious in view of the asserted art. In this response, Applicant has indicated the support in the specification and the distinctions between the claimed invention and the art relied upon by the Examiner. Reconsideration of this application is respectfully requested.

In paragraph 2 of the Office Action, the Examiner rejected claims 21-28 and 69-74, as containing subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges that claims 21-28 and 69-74 variously recite isolating potential buyers using purchase data, cost data, price data etc. However, the Examiner indicates that the specification fails to provide support for these limitations. The Examiner indicates that pages 31-32, 35-36, and 40-41 of Applicant's specification describes isolating potential buyers based on merchandise or product codes only. The Examiner contends that the "price data" shown on the request form of Figure 9 is entered by a buyer and transmitted to various vendors and that interested vendors initiate communication with the buyer after receiving the request for proposal. The Examiner claims that there is "no isolating performed by the control system utilizing this price data. It is the individual vendors who, after considering the data on the request form, decide whether or not to respond to the buyer. It is also the individual buyer who decides to submit the request form and selects among the responding vendors."

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At the outset, Applicant respectfully submits that his specification, at several locations, discusses consummating transactions, which would clearly involve “price” and “cost” considerations before any transaction can be “accomplished.” The specification expressly in Figure 7 indicates an exemplary “vendor cell,” with an indication of “last purchase data,” that is clearly stored for communication to a buyer. Applicant also directs the Examiner’s attention to the following locations in the specification for further discussion relating to consummating transactions and purchase considerations: abstract, ln. 5; col. 3, ln. 54 and lns. 62-63; col. 4, ln. 22 and ln. 64; col. 7, ln. 9 and lns. 11-13; col. 9, ln. 62; col. 10, lns. 22-23. By way of one specific example, a buyer indicates that he or she is seeking products under 2:00 dollars net cost (via an exemplary buyer request form, see Figure 9). The traffic control system isolates the vendors (by way of example “736 vendors” indicated on a notification to the buyer, see Figure 10) that are of interest and satisfy the criteria (e.g. offer products at that cost).

Contrary to the Examiner’s contentions, Applicant respectfully submits that the traffic control system in Applicant’s specification routes and controls communications between interested parties. The traffic control system accepts requests from a buyer and based on the criteria specified isolates the vendors that satisfy the criteria indicated by the buyer. At that point, perhaps the buyer may decide to select a particular vendor from the ones selected by the traffic control system.

Applicant respectfully requests the Examiner to withdraw her rejection under 35 U.S.C. Section 112.

In paragraph 4 of the Office Action, claims 17-40 and 42-189 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shavit et. al., in view of Smith.

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The claims here are distinct for various reasons. Shavit does not disclose system selectivity in determining a vendor. In Shavit, the buyer indicates the seller with which he or she wishes to communicate. Nor does Shavit disclose seller classifications or consideration of identification data of an interested buyer in association with an area of interest that is designated by that interested buyer. Likewise, if Smith does not store an interested buyer's identity in association with his or her designated area of commercial interest (as pointed out by the Examiner), Smith would not be able to determine appropriate video images for a particular vendor nor transmit them at a later time. Accordingly, Applicant respectfully submits that the claims here are distinct from the combination of Shavit and Smith. Respectfully, Applicant urges the Examiner to reconsider her rejections in view of the above arguments and to withdraw her rejection under 35 U.S.C. Section 103(a).

Finally, Applicant has amended select claims to further refine them and to further emphasize the distinctions from the asserted art.

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Respectfully, Applicant urges the Examiner to reconsider her rejections in view of the above arguments.

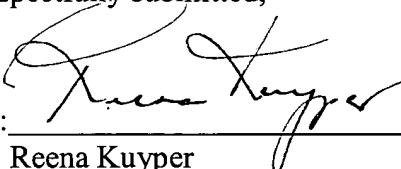
Favorable consideration and allowance of the claims pending here is respectfully requested.

Dated: August 25, 2003

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Respectfully submitted,

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